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Attorneys for Defendant City of Richmond (also  
 sued herein as Richmond Police Department)

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

|                             |   |  |
|-----------------------------|---|--|
| GERARDO RODRIQUEZ,          | ) | <b>CASE NO. C05-03865 BZ MHP</b>         |
|                             | ) |  |
| Plaintiff,                  | ) | <b>STIPULATION TO STRIKE</b>             |
|                             | ) | <b>ALLEGATIONS OF THE</b>                |
| v.                          | ) | <b>COMPLAINT AND <del>PROPOSED</del></b> |
|                             | ) | <b>ORDER</b>                             |
| CITY OF RICHMOND; CITY OF   | ) |  |
| RICHMOND POLICE             | ) |  |
| DEPARTMENT; OFFICER GARD;   | ) |  |
| OFFICER WILLIAM CANTRELL;   | ) |  |
| OFFICER FUNK; OFFICER       | ) |  |
| FILIPPI; OFFICER R. THOMAS; | ) |  |
| OFFICER MOODY; SGT. S.      | ) |  |
| PICKETT; DOES 1 THROUGH 50, | ) |  |
|                             | ) |  |
| Defendants.                 | ) |  |

The parties hereby stipulate to striking claims for violation of the 14<sup>th</sup> Amendment in paragraphs 1, 3, and 16(a). This stipulation does not affect the allegation of violation of the 4<sup>th</sup> Amendment of the United States Constitution.

The parties agree to strike any request for punitive damages against the City of Richmond, also sued as City of Richmond Police Department, in paragraph 26(6). This stipulation will not affect the request for punitive damages against the

1 individuals identified in the complaint.

2 Dated: January 20, 2006

3  
4 By: /wr/  
WALTER RILEY  
Attorney for Plaintiff Gerardo Rodriquez

5  
6 Dated: January 26, 2006

GIBBONS & CONLEY

7  
8 By: /scc/  
AUSTIN R. GIBBONS  
SEAN C. CONLEY  
Attorneys for Defendant City of Richmond  
(also sued herein as Richmond Police  
Department)

11 **ORDER**

12 The Court, having considered the stipulation of the parties, orders as follows:

13 The allegations of violation of the 14<sup>th</sup> Amendment of the United States  
14 Constitution in Complaint paragraphs 1, 3, and 16(a) are hereby stricken from the  
15 complaint.

16 The request for punitive damages with respect to the City of Richmond, also  
17 sued as the City of Richmond Police Department, in paragraph 26(6) are stricken  
18 from the Complaint.

19 Dated:

20  
21 By: HONORABLE JUDGE

22 \Rodriquez\motion to strike.doc



**RODRIQUEZ V. CITY OF RICHMOND, ET AL.**  
**U.S. DISTRICT COURT CASE NO. C05-03865 BZ**

**PROOF OF SERVICE**

I am employed in the County of Contra Costa, State of California. I am over the age of 18 years, and not a party to the within action. My business address is 1333 North California Boulevard, Suite 110, Walnut Creek, California, 94596. On the date set forth below, I caused to be served a true copy of the foregoing **STIPULATION TO STRIKE ALLEGATIONS OF THE COMPLAINT AND [PROPOSED] ORDER** on the following person(s) in this action addressed as follows:

Walter Riley, Esq.  
Attorney at Law  
1440 Broadway, Suite 612  
Oakland, CA 94612  
Tel: (510) 451-1422  
Fax: (510) 451-0406

☒ **BY MAIL.** I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the U.S. Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing, following ordinary business practices.

**BY FACSIMILE.** I caused said document to be transmitted by facsimile to the numbers listed above. Said transmission was reported as complete and without error.

☒ **FEDERAL.** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 26, 2006.

**KARIN JOHNSON-BUTLER**